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Attorneys for Defendants ALTA BATES SUMMIT MEDICAL CENTER and ALTA BATES
SUMMIT FOUNDATION

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL FREEMAN,
Plaintiff,

Case No. C04-2019 SBA
Civil Rights

v.

ALTA BATES SUMMIT MEDICAL
CENTER CAMPUS, et al.

Defendants.

**MODIFIED FIRST STIPULATION and
ORDER TO CONTINUE TRIAL AND
OTHER RELATED DATES TO
PERMIT COMPLETION OF
POTENTIAL SETTLEMENT**

(**Note:** this stipulation is between the parties that remain in the action. A settlement has
already been reached and dismissal entered for separate Defendants Primary Care and Lifelong
Medical Clinic.)

TO THE COURT: The parties, Plaintiff MICHAEL FREEMAN and Defendants ALTA
BATES SUMMIT MEDICAL CENTER and ALTA BATES SUMMIT FOUNDATION, are
cooperating toward likely settlement, and to facilitate same, hereby submit this modified
stipulation (**which hopefully better explains the complications involved with settlement**):

1) Continuance of the Trial from October 25, 2005 to approximately January 24,
2006, 9AM; and

2) Continuance of the Pretrial Conference from October 15, 2005 to approximately
January 13, 2006.

**Modified Stipulation and Order to Continue Trial and Other
Related Dates: Case No. C04-2019 SBA**

1 The parties have worked diligently, sharing information between the experts, holding
 2 two meetings on site, and attending a settlement conference before the Honorable Wayne D.
 3 Brazil. As a result, a tentative agreement has been reached on all injunctive relief issues save
 4 one of the more complicated, which may involve demolition of existing facilities. This issue is
 5 complicated by the fact that the particular area of concern is a concrete entranceway to the
 6 hospital, which was built in approximately 2002. **This is the main entrance to the hospital,**
 7 **and critical to operations. Alternatives to demolishing the concrete entranceway and**
 8 **building a new are being explored.** Furthermore, the hospital is considering involving the
 9 contractor responsible for building the concrete entranceway for comment or possible
 10 remediation. Defendant's expert believes that the slope of the existing concrete entranceway
 11 complies with the ADA slope requirements, insofar as it is within industry tolerances and the
 12 alleged discrepancies are nominal and of no practical significance. Plaintiff's expert, on the
 13 other hand, contends that the ramp's slope and cross-slope are significant barriers to access in
 14 violation of the ADA. More time is needed to affect a satisfactory resolution of this potentially
 15 major construction issue.

16
 17 Dated: October 12, 2005

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 TIMOTHY S. THIMESCH



Attorneys for Plaintiffs
 LARRY McIVER and HOLLYNN D'LIL

22 Dated: September __, 2005

ALAN L. MARTINI, Esq.
 SHEUERMAN, MARTINI & TABARI

25 //Signature Authorized//
 Attorneys for Defendants
 ALTA BATES SUMMIT MEDICAL CENTER; and
 ALTA BATES SUMMIT

ORDER

SO ORDERED. **DENIED**

Dated: 10/11/05



HON. SAUNDRA BROWN ARMSTRONG
Judge of U.S. District Court